



Docket No. 4150-4000US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ronald W. Colwill, Jr.

Group Art Unit: 2171

Serial No.: 09/781,901

Examiner: Wayne Amsbury

Filed: February 9, 2001

For: VIRTUAL DIRECTORY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.181(A)
REQUESTING WITHDRAWAL OF IMPROPER HOLDING OF ABANDONMENT

Sir:

Applicant petitions for withdrawal of the Notice of Abandonment dated July 15, 2004 as being improperly issued as discussed below. Consistent with MPEP §711.03(c), no fee is believed to be due in connection with this petition. Also, this petition is believed to be timely as it has been filed within 2 months of the issuance of the Notice of Abandonment.

An Office Action was issued on March 10, 2004 restricting the pending claims (i.e., claims 1-308) for the above-identified patent application. A shortened statutory period for reply was set to expire 1 month from the mailing date of the Office Action which was April 10, 2004. The Office Action also indicates that extension of time may be available up until six months from the mailing date, i.e., until September 10, 2004. Concurrent with this petition, a Response to the Office Action is being timely filed. However, Applicant received a Notice of Abandonment dated July 15, 2004 in the above-identified patent application.

Applicant then contacted Examiner Amsbury over the telephone several times and the Examiner indicated that the Notice of Abandonment was premature. In a telephone call on August 23, 2004, the Examiner indicated that he ordered a processing department to correct the record and the department will send a communication to Applicant confirming that the record is corrected.

Since the Notice of Abandonment was improperly issued and Applicant has timely responded to all office actions, withdrawal of the Notice of Abandonment is respectfully requested.

No fee is believed necessary for consideration of this request. However, should any fee be deemed necessary, such fee may be charged to Deposit Account No. 13-4500, Order No. 4150-4000US1.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 9, 2004

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